ABORIGINAL AFFAIRS AND INTERGOVERNMENTAL RELATIONS

OVERVIEW

MISSION

The Department of Aboriginal Affairs and Intergovernmental Relations is responsible for negotiating, implementing and monitoring land, resources and self-government agreements, including Treaty land entitlements; managing the GNWT's relationship with the federal government and with provincial, territorial and Aboriginal governments and circumpolar countries, in all matters of intergovernmental significance; and providing strategic advice on matters pertaining to federal-provincial-territorial-Aboriginal relations.

GOALS

1. The conclusion of land, resources and self-government agreements in a manner that respects the inherent right of self-government and ensures an overall effective, affordable and workable system of governance, capable of providing an adequate and comparable level of quality programs and services to all NWT residents.

2. The successful ongoing implementation and monitoring of land, resources and self-government agreements by ensuring all GNWT obligations within the agreements are met.

3. Constructive and co-operative intergovernmental relations with federal, provincial, territorial, Aboriginal and foreign governments that are based on mutual respect.

4. Coordinated and consistent advice to departments in support of the GNWT's legal duty to consult Aboriginal governments and organizations.

PROPOSED BUDGET

Compensation & Benefits	$5,066,000
Grants & Contributions	$650,000
Other O&M	$1,071,000
Amortization	$20,000
Infrastructure Investment	-

PROPOSED POSITIONS

Headquarters (HQ)	39 positions
Regional/Other Communities	0 positions

KEY ACTIVITIES

- *Corporate Management*
- *Negotiating Land, Resources and Self-government Agreements*
- *Implementing and Monitoring Land, Resources and Self-government Agreements*
- *Managing the GNWT's Intergovernmental Relations*

STRATEGIC ACTIONS

The department will take the following actions in support of the government's strategic initiatives:

- *Continue to Develop Governance (Managing This Land Initiative)*

EMERGING ISSUES

Finding a Balance between Respecting the Inherent Right of Self-Government and Ensuring an Overall Effective, Affordable and Workable System of Governance

One of DAAIR's goals is the conclusion of land, resources and self-government agreements in a manner that respects the inherent right of self-government, while ensuring an overall effective, affordable and workable system of governance, capable of providing an adequate and comparable level of quality programs and services to all NWT residents. Negotiating self-government agreements for small communities, and for small numbers of Aboriginal citizens residing in larger communities, presents a significant challenge to realizing this goal.

Negotiating Community Based Comprehensive Land Claim Agreements

With the negotiation of a community based comprehensive land claim agreement underway with the Acho Dene Koe First Nation, the positions taken at these negotiations must consider the implications for Dehcho First Nations. It will be critically important for the GNWT to anticipate issues before they emerge at negotiations to ensure that the direction taken at these negotiations aligns with the broader Dehcho and NWT interests and vision. The anticipated issues include; overlapping interests with other Dehcho communities, assessing what fairly represents the Acho Dene Koe First Nation's proportionate share of the offer to the Dehcho First Nations, and articulating NWT interests at these community based negotiations.

Consistent Approach to Trans-boundary Negotiations

The GNWT is engaged in, or is expected to be engaged in, four sets of trans-boundary negotiations. Trans-boundary negotiations involve negotiations of the Aboriginal and Treaty rights in the NWT of non-resident Aboriginal parties. The need for consultation, rights in relation to resource management, land selection, and interests overlapping those of NWT Aboriginal governments should be approached in a consistent and fair manner in trans-boundary negotiations, unless there are extenuating circumstances that justify a unique approach for a particular non-resident Aboriginal party.

Legal Duty to Consult with Aboriginal Governments and Organizations

The GNWT consults with Aboriginal governments and organizations to meet its legal obligations and, in the process, build and maintain mutually respectful relations. The GNWT's consultation obligations are triggered whenever the GNWT contemplates an action that might infringe on an affirmed or asserted Aboriginal or Treaty right. Constantly evolving case law in this area suggests a need to continuously re-evaluate the GNWT's approach to consultation. It is also increasingly critical that the GNWT coordinate its consultation efforts government-wide. Failure to undertake adequate consultation could negatively affect GNWT actions or erode the relationships between the GNWT and Aboriginal governments and organizations.

New Federal Government

In the coming months, the main priority for the federal government will be putting in place fiscal policies to meet the challenges facing the national and North American economies. Ensuring that northern issues remain on the national agenda will pose a challenge for the GNWT for the foreseeable future.

FISCAL POSITION AND BUDGET

Departmental Summary

	Proposed Main Estimates 2009-2010	Main Estimates 2008-2009	Revised Estimates 2007-2008	Main Estimates 2007-2008
		($000)		
OPERATIONS EXPENSE				
Corporate Management	2,129	2,398	2,550	2,579
Negotiations	2,708	2,072	2,185	2,185
Implementation	606	606	740	740
Intergovernmental Relations	1,364	1,424	1,946	1,946
TOTAL OPERATIONS EXPENSE	**6,807**	**6,500**	**7,421**	**7,450**
REVENUES	**0**	**0**	**0**	**0**

Operation Expense Summary

	Main Estimates 2008-09	Proposed Adjustments: Sunsets and Other Approved Adjustments	Proposed Adjustments: Reductions	Proposed Adjustments: Forced Growth	Proposed Adjustments: Strategic Initiatives	Proposed Adjustments: Internal Reallocation of Resources	Proposed Budget 2009-10
				($000)			
Corporate Management							
Directorate	**1,586**	0	(259)	2	171	(160)	**1,340**
Policy, Leg. & Communications	**812**	0	(381)	0	198	160	**789**
Total Corporate Management	**2,398**	**0**	**(640)**	**2**	**369**	**0**	**2,129**
Negotiations	**2,072**	0	(129)	144	621	0	**2,708**
Total Negotiations	**2,072**	**0**	**(129)**	**144**	**621**	**0**	**2,708**
Implementation	**606**	**0**	**0**	**0**	**0**	**0**	**606**
Total Implementation	**606**	**0**	**0**	**0**	**0**	**0**	**606**
Intergovernmental Relations	**1,424**	**0**	**(60)**	**0**	**0**	**0**	**1,364**
Total Intergovernmental Relations	**1,424**	**0**	**(60)**	**0**	**0**	**0**	**1,364**
TOTAL DEPARTMENT	**6,500**	**0**	**(829)**	**146**	**990**	**0**	**6,807**

Revenue Summary

	Proposed Main Estimates 2009-2010	Main Estimates 2008-2009	Revised Estimates 2007-2008	Main Estimates 2007-2008
		($000)		
TOTAL REVENUES	**0**	**0**	**0**	**0**

CORPORATE MANAGEMENT

Description

The **Directorate** manages the internal operations of the department and provides strategic advice and support to the Minister on the department's mandate. The division is also responsible for coordinating financial and business planning activities and providing support and leadership in the areas of human resource and records management. The division administers the grants and contributions program available to Aboriginal governments and organizations.

The **Policy, Legislation and Communications Division** provides policy advice, information and assistance to the department and the Minister in all aspects of the department's mission. A central function of the division is to develop and periodically review the negotiating mandates that guide the GNWT's negotiating teams at all land, resources and self-government negotiations. The division is responsible for the department's communication projects and strategies, including the fulfillment of GNWT communication responsibilities arising from negotiations. The division is also responsible for implementing the GNWT's Consultation Framework by providing government-wide coordination and support in support of the GNWT's legal obligation to consult Aboriginal governments and organizations. Finally, the division leads the development of the legislation required to implement land, resources and self-government agreements.

Major Program and Service Initiatives 2009/10

With the investments identified through the *Managing This Land* initiative, DAAIR will be developing the GNWT's negotiating capacity to participate effectively at 15 Aboriginal rights tables by ensuring that the GNWT negotiating teams are adequately supported and that GNWT communications interests are met.

DAAIR will develop required negotiating mandates where no mandates currently exist. Community based land claim negotiations and a consistent approach to trans-boundary negotiations are areas that need immediate attention.

With an aim to be in a position to fully implement the GNWT's Consultation Framework by 2010/11, the main focus during 2009/10 will be updating the Consultation Resource Guide to reflect developments in case law respecting consultation. Progress will also be made in developing consultation training modules for delivery to GNWT regional and headquarters staff.

Four Year Business Plan Update

Results to Date

Most GNWT mandates are 10 years old, having been developed when self-government negotiations initially began and land claim negotiations were regionally based. The context for negotiations has substantially changed in the last decade. In addition to the general need to periodically review mandates to ensure their continued relevance, mandates are needed for negotiations in areas not anticipated 10 years ago. Negotiating self-government agreements in small communities, community based land claim negotiations, and resource management in areas where several Aboriginal groups have interests are examples of instances where mandates are needed. A "terms of reference" for a comprehensive review of the GNWT's negotiating mandates has been developed to scope out the exercise.

Senior policy staff have been directly involved in negotiations when program delivery standards are discussed in the context of an Aboriginal government's authority to pass laws in social program areas. The experience gained as a result of this hands-on involvement has developed our departmental expertise that every negotiating team can draw on. For example, an innovative made-in-the-North approach has been developed that aims to ensure that social programs across the NWT share the same fundamental characteristics, while providing the ability for all northern governments to establish standards that consider their current circumstances and conditions.

Changes to Four Year Plan

Effective 2009/10, DAAIR has been tasked with implementing the GNWT's Consultation Framework and providing government-wide coordination and assistance to departments with respect to their work in support of the GNWT's legal obligation to consult Aboriginal governments and organizations.

KEY ACTIVITY 1: NEGOTIATING LAND, RESOURCES AND SELF-GOVERNMENT AGREEMENTS

Description

The **Negotiations Division** is responsible for leading the GNWT's participation at land, resources and self-government negotiations in the NWT. Successfully concluding land, resources and self-government agreements throughout the NWT will lay the foundation for attaining political certainty and building mutually respectful intergovernmental relations and realizing the economic potential of the NWT.

Major Program and Service Initiatives 2009/10

The GNWT, through DAAIR's Negotiations Division, will actively engage the federal government and the Aboriginal parties at 15 sets of negotiations. With the investments identified through the *Managing This Land* initiative, DAAIR will increase the number of negotiating teams from 6 to 8 in response to this increase of 5 new tables.

The division's work will emphasize concluding Dél̨ı̨ę self-government negotiations and bringing Northwest Territory Métis negotiations, Inuvialuit self-government negotiations and Acho Dene Koe First Nation negotiations to the Agreement-in-Principle stage. The division will also emphasize bringing trans-boundary negotiations with the Manitoba and Saskatchewan Denesuline to a conclusion.

Four Year Business Plan Update

Results to Date

DAAIR's negotiating teams have been streamlined to ensure that the best use of limited resources is achieved. Legal counsel only joins the negotiating team when the agenda for negotiations includes the possible need for legal advice.

DAAIR has taken the approach in framework agreement negotiations with the Acho Dene Koe First Nation and with the First Nation of Nacho Nyak Dun to actively participate in this stage of negotiations and confirm that there is sufficient common ground between the parties to conclude an agreement prior entering into formal negotiations.

DAAIR negotiators anticipated that there would be significant challenges in addressing resource management in the traditional territory of several Aboriginal groups. DAAIR alerted the federal government to these challenges and as a result all parties are carefully approaching this matter with the view to ensure that resources can continue to be effectively managed upon the completion of Aboriginal rights agreements. Work continues toward developing a consistent approach to resource management in the South Slave region. Each DAAIR negotiating team engaged in negotiations that affect the South Slave is participating in the development of this consistent approach to resource management.

Policy experts join or provide assistance to DAAIR's negotiating teams when the subject of program delivery standards is being negotiated. Technical expertise for negotiations involving land selection or interim land withdrawal negotiations has been consolidated to a single negotiator who supports every negotiating team.

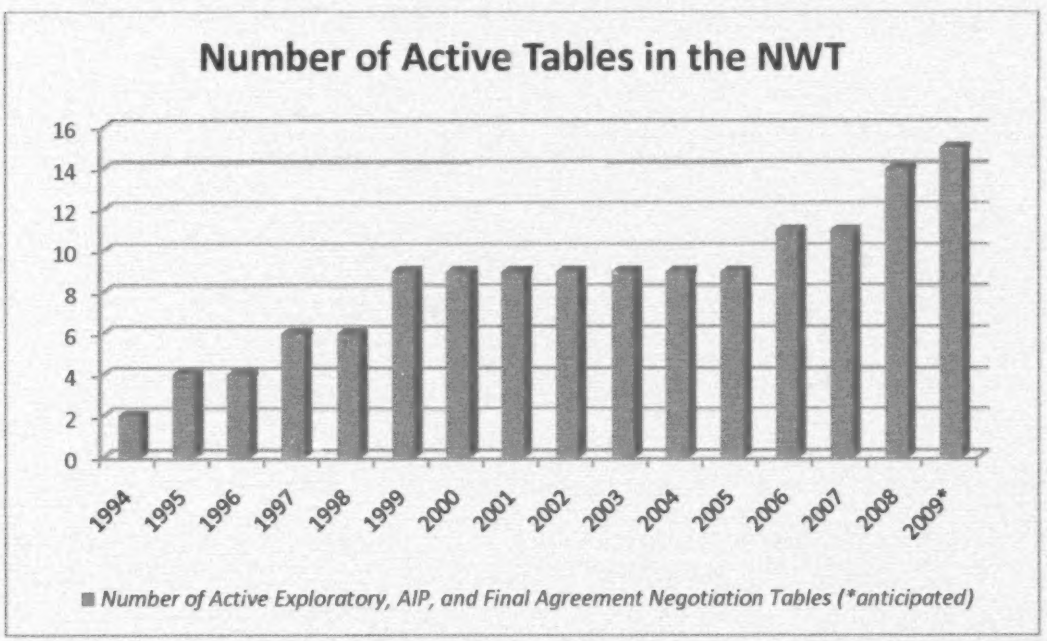
Measures Reporting

Measure 1: Number of active negotiations

Across Canada, Aboriginal rights negotiations take, on average, approximately 20 years to complete a final agreement. Negotiations in the NWT reflect this trend. Regional land claim negotiations, fulfilling commitments to negotiate community based self-government agreements, and increased interest from non-resident Aboriginal groups to settle their Treaty and Aboriginal rights in the NWT have dramatically increased DAAIR's workload over the last few years. With the emergence of community based land claim negotiations in the NWT and the potential for Treaty land entitlement negotiations for individual First Nations without a final agreement, the effort required to participate in negotiations is not anticipated to diminish in the near future.

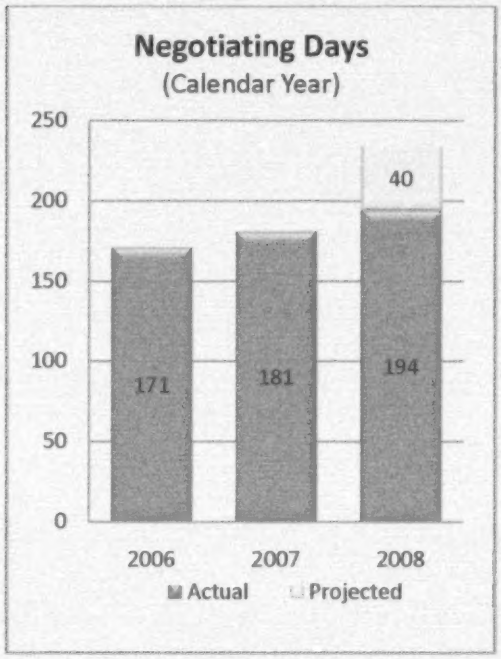
Evidence of these trends can be found in the number of active negotiation tables in the NWT. By 2009, DAAIR expects to be involved in 15 sets of negotiations. In contrast, in 2005, DAAIR was involved in 9 sets of negotiations.

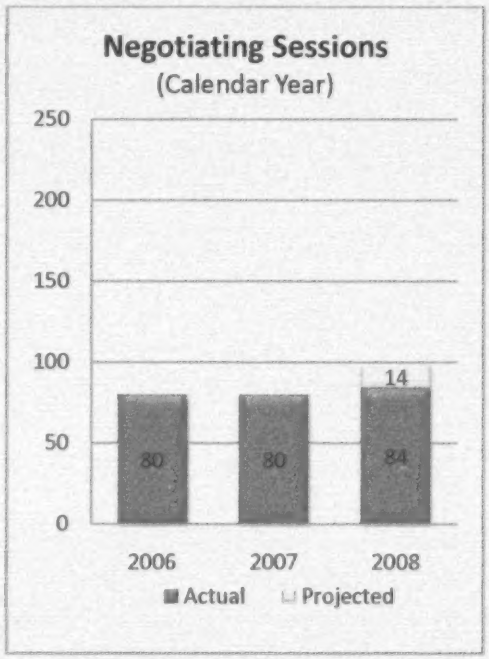
The chart below shows the GNWT's participation in negotiations from 1994 to 2009, specifically the number of active tables in each year.



Measure 2: Number of negotiating sessions attended

The following two charts confirm that 2008 marks an unprecedented level of negotiating activity in the NWT. Negotiating activity between January and October 2008 has exceeded that of all of 2007 or 2006, respectively. Based on the level of activity in the first nine months of 2008, it is expected that the level of negotiation activity for the year will be nearly 25% higher than that of 2007.





Note: 2008 actual represents nine months – January to October

Measure 3: Milestones reached in negotiating agreements

From April 2008 to October 2008:

- Negotiators concluded a draft Framework Agreement for trans-boundary negotiations with the First Nation of Nacho Nyak Dun;
- A community open house was held in Délı̨nę to celebrate the conclusion of substantive negotiations on the text of the Délı̨nę Final Self-government Agreement; and
- Negotiators concluded a draft Framework Agreement for land, resources and self-government negotiations with the Acho Dene Koe First Nation.

Measure 4: Number of agreements signed

The Framework Agreement for Acho Dene Koe First Nation land, resources and self-government negotiations was signed in Fort Liard on July 14, 2008, by all the parties.

KEY ACTIVITY 2: IMPLEMENTING AND MONITORING LAND, RESOURCES AND SELF-GOVERNMENT AGREEMENTS

Description

The **Implementation Division** is responsible for negotiating implementation plans and related financing agreements, including incremental costs, associated with implementing land, resources and self-government agreements. It is also responsible for negotiating a comprehensive approach for self-government financing with the federal government.

Fulfilling the GNWT's obligations under land, resources and self-government agreements ensures that Aboriginal governments and the people they represent enjoy the benefits of their agreements, builds the foundation for mutually respectful government to government relations and promotes comparable levels of programs and services throughout the NWT.

Major Program and Service Initiatives 2009/10

To ensure that all GNWT obligations under existing land, resources and self-government agreements continue to be met, DAAIR will maintain ongoing coordination and education initiatives with departments and will continue to represent the GNWT in tripartite implementation forums.

DAAIR will represent the GNWT in the tripartite negotiation of the fiscal agreements and implementation plans necessary to finalize land, resources and self-government agreements.

DAAIR will develop and implement a strategy to engage parties to self-government negotiations in a dialogue respecting the costs associated with the implementation of self-government in the NWT. The strategy will include raising the profile of this issue at negotiating tables to ensure that, early in the negotiation process, all parties are aware of the full cost of implementing self-government agreements.

DAAIR will continue to actively support initiatives to build the capacity of Aboriginal governments to fully implement land, resources and self-government agreements.

Four Year Business Plan Update

Results to Date

DAAIR continues to represent the GNWT in the tripartite negotiation of the fiscal agreements and implementation plans that will accompany the Dɛlı̨nę Final Self-Government Agreement. Draft Pre-effective Date and Implementation Plans are now approaching a final draft, and negotiation of a Financial Transfer Agreement and an Own Source Revenue Agreement are ongoing.

DAAIR continues to work with departments to ensure that all GNWT obligations under existing land, resources and self-government agreements are being met. One-time and specific GNWT obligations are either complete or the GNWT is working collaboratively with its implementation partners to implement the obligations. Status reports and implementation committee minutes show that there are currently no outstanding GNWT issues under any land claim agreement.

In addition to ensuring that the GNWT's specific obligations are met, DAAIR has worked collaboratively with Aboriginal governments on land claim related initiatives. DAAIR negotiated a land usage and access agreement with the Inuvialuit that clarifies terms and conditions of GNWT access to Inuvialuit lands. DAAIR is also working collaboratively with the federal government and the Gwich'in on an economic measures initiative to improve beneficiary awareness and access to government economic development programs.

DAAIR has formed an interdepartmental working group to assess potential models for program and service delivery, following the implementation of self-government agreements. The outcome of this work will inform the development of negotiating mandates on intergovernmental arrangements with self-governments for program and service delivery.

In seeking an agreement with the federal government on the financing of self-government, DAAIR initiated and coordinated bi-lateral engagement of Indian and Northern Affairs Canada officials.

In conjunction with other departments, DAAIR developed a self-government costing model to identify the overall NWT-wide costs of implementing self-government, and has presented this model to Indian and Northern Affairs Canada.

In addition to bi-lateral federal engagement, a presentation of the GNWT's self-government costing model was made to the Délı̨nę main table in order to raise awareness of financing issues, as Délı̨nę moves towards completion of its self-government negotiations.

Together with the Department of Education, Culture and Employment, and the Délı̨nę self-government negotiating team, DAAIR is exploring opportunities for building capacity in Délı̨nę for the eventual exercise of jurisdiction in the area of education.

Measures Reporting

Measure 1: Number of Pre-effective Date Plan and Implementation Plan activity sheets negotiated

Between April 2007 to October 2008, DAAIR participated in the negotiation and drafting of 27 Pre-effective Date Plan activity sheets and 72 Implementation Plan activity sheets, identifying how obligations in the Délı̨nę Self-government Agreement-in-Principle and the Final Self-Government Agreement will be carried out.

Measure 2: Milestones reached in negotiating agreements

The Pre-effective Date and Implementation Plans that will accompany the Délı̨nę Final Self-government Agreement have been drafted and will be finalized once the text of the Final Agreement is confirmed. The negotiation of a Financial Transfer Agreement and Own Source Revenue Agreement is ongoing.

Measure 3: Number of meetings on self-government financing

Between April 2007 to October 2008:

- DAAIR participated in four bilateral meetings with senior officials from Indian and Northern Affairs Canada respecting the financing of self-government in the NWT.
- DAAIR represented the GNWT at two national forums held by Indian and Northern Affairs Canada as part of its federal implementation policy review. A key issue, discussed extensively at both forums, was the inadequacy of funding for the proper implementation of self-government.
- DAAIR and the Department of Executive presented the GNWT's self-government model to the Dɛlıne self-government main table.

Measure 4: Number of departmental information and advisory sessions

Between April 2007 and October 2008, in addition to daily contact with departments on implementation issues, DAAIR met with departments an average of once per week to discuss and clarify issues related to the implementation of existing agreements, and the negotiation of the Dɛlıne self-government fiscal agreements and implementation plans. Two interdepartmental implementation committee meetings were held over the past year to discuss the implementation of existing land, resources and self-government agreements, as well as the status of Dɛlıne self-government fiscal and implementation negotiations.

Measure 5: Number of GNWT-related issues brought before Implementation Committees for resolution

Between April 2007 and October 2008, one arbitration action was initiated by the Inuvialuit regarding the GNWT's contracting obligations under the Inuvialuit Final Agreement. This arbitration was resolved in favour of the GNWT.

Implementation status reports and the minutes of Implementation Committee meetings continue to show that there are no issues related to GNWT obligations.

KEY ACTIVITY 3: MANAGING THE GNWT'S INTERGOVERNMENTAL RELATIONS

Description

The **Intergovernmental Relations Division** promotes and advances the GNWT's commitment to develop and maintain mutually respectful intergovernmental relations between the GNWT and federal, provincial, territorial, Aboriginal and international governments. In doing so, the division protects, develops and promotes the interests and aspirations of NWT residents in the GNWT's intergovernmental relations activities.

Major Program and Service Initiatives 2009/10

DAAIR will continue to invest in and enhance the GNWT's relations with the federal, provincial and other territorial governments to ensure that northern interests and issues continue to be discussed at the national and international level and are brought to the attention of all Canadians. This will include enhancing the GNWT's participation in the work of the Arctic Council. The challenge of ensuring that northern issues remain on the agenda of the newly elected federal government in the months ahead will be significant as a result of the ongoing global and national economic uncertainty.

DAAIR will continue to support the Premier's participation in an increased number of bilateral meetings and regular multilateral meetings with Aboriginal governments. DAAIR will continue to work with, and provide financial support to, Aboriginal governments to engage in a dialogue with the GNWT so as to strengthen our partnerships. This will significantly improve our collective ability to engage effectively with the federal government on matters of importance to all residents. It is crucial to the continued political and economic development of the NWT that all governments - both public and Aboriginal - continue to identify and address common issues and interests.

DAAIR will support the Premier's participation in all meetings with the Prime Minister, other key federal ministers and with other Premiers so as to advance GNWT and pan-territorial priorities and objectives and to continue to raise awareness of northern issues at the national and international level.

Four Year Business Plan Update

Results to Date

DAAIR prepared for and supported the GNWT's participation at the 2008 Western Premiers' Conference. Western Premiers called on the federal government to support investments in northern infrastructure including the Mackenzie Valley Highway. Western Premiers also discussed the issue of the federal government not fully reimbursing the GNWT for the provision of health care services to Aboriginal people – the GNWT is now in discussions with the federal government (Privy Council Office) to remedy this important matter. Other issues of importance to the North discussed by western Premiers included climate change and greenhouse gas emissions and they supported the need for a focus on cold climate alternative energy technology. Western Premiers also established a Western Water Stewardship Council that will include the GNWT.

DAAIR prepared for and supported the GNWT in hosting the 2008 Northern Premiers' Forum in Yellowknife. The three northern Premiers discussed calling on the federal government to: renew the Northern Housing Trust and to freeze present levels of funding for O&M; eliminate the GST for home fuel and power generation to assist in lowering the cost of living in the North; make strategic investments in northern transportation infrastructure; and to ensure that by concluding Devolution and Resource Revenue Sharing Agreements northerners are the primary beneficiaries of resource development in the North.

DAAIR prepared for and supported the GNWT's participation at the 2008 Council of the Federation Meeting. Premiers discussed a number of issues of importance to the North including the need for the federal government to renew/continue a number of housing trusts including the $50 million Northern Housing Trust. Premiers also recognized the high cost of living in the North and how northerners have limited options to find alternative means of power generation.

DAAIR prepared for and supported the GNWT's participation in the recent meeting between the Prime Minster and the three northern Premiers.

DAAIR has developed, and the GNWT has adopted, an Intergovernmental Relations Policy that formalizes the GNWT's government to government relationship with Aboriginal governments. DAAIR has also established and administers a dedicated fund (formerly the Intergovernmental Initiatives Fund now referred to as the Aboriginal Intergovernmental Meetings Fund) intended to assist Aboriginal governments' participation in four multilateral meetings and one bilateral meeting with the GNWT every year with the intention of promoting improved cooperation and coordination between northern governments.

DAAIR prepared for and supported the GNWT's participation in three multilateral meetings between the Premier and regional Aboriginal government leaders. The Premier and Aboriginal government leaders have discussed and established working groups on the issues of devolution and resource revenue sharing and the NWT Water Strategy Initiative and have discussed a number of other issues important to the NWT.

Measures Reporting

Measure 1: Number of multilateral and bilateral meetings with Aboriginal governments

Between April 2007 and October 2008, the GNWT coordinated and participated in five multilateral and bilateral meetings with Aboriginal governments.

Measure 2: Number of bilateral and multilateral First Ministers' meetings/conferences attended

Between April 2007 and October 2008, the GNWT coordinated and participated in sixteen bilateral and multilateral First Ministers' meetings/conferences.

STRATEGIC INITIATIVE: MANAGING THIS LAND
Action: Continue to Develop Governance

Description

DAAIR will undertake two activities in support of developing governance.

Continue Work to Finalize and Implement Land, Resources and Self-government Agreements

DAAIR will continue to lead the work of negotiating and implementing land, resources and self-government agreements on behalf of the GNWT. We will represent the GNWT's interests at 15 negotiating tables, supported by strong teams who consider the broad implications of what is being negotiated, are supported by up-to-date mandates and ultimately contribute to negotiating agreements that build the foundation for effective governance and the sound management of land and resources. This is critical as these agreements will affect all NWT residents - directly or indirectly - and will have a significant impact on the political and constitutional development of the NWT.

Equally important is the development of comprehensive and sustainable implementation plans and fiscal agreements that honour the spirit and intent of these agreements. The successful implementation of such agreements is crucial in developing and maintaining mutually respectful government-to-government relations.

Implementing the Consultation Framework

DAAIR will lead in the implementation and periodic updating of the Consultation Framework. By virtue of Section 35 of the *Constitution Act, 1982*, the GNWT has a legal duty to consult with Aboriginal governments and organizations whenever the GNWT contemplates an action that might infringe on an affirmed or asserted Aboriginal or Treaty right. Court rulings in this subject area are evolving quickly. Government obligations to consult are becoming more stringent and the instances of consultation requirements are on the rise.

Activity to Date

Continue Work to Finalize and Implement Land, Resources and Self-government Agreements

A Framework Agreement has been signed with the Acho Dene Koe First Nation and formal negotiations have begun; a draft framework agreement has been completed with the First Nation of Nacho Nyak Dun and is awaiting approval by the parties; and the text of the Délı̨nę Self-government Agreement is essentially complete and focus is shifting to the negotiation of implementation plans and fiscal transfer agreements.

Implementing the Consultation Framework

A Consultation Resource Guide for GNWT staff and a Consultation Framework Implementation Plan have been developed and provided to all departments. Responsibility for implementing the Consultation Framework will be shifted from the Department of Justice to DAAIR effective 2009/10.

Planned Activities - 2009/10

Continue Work to Finalize and Implement Land, Resources and Self-government Agreements

Developing GNWT Negotiating Capacity
DAAIR will develop the GNWT's negotiating capacity to participate effectively at 15 Aboriginal rights tables and focus its efforts at negotiations by emphasizing the need for a candid exchange between the parties at the formative stages of negotiations to confirm whether there is sufficient common ground to conclude an agreement and to do so in a timely fashion.

To address the growth in the number of negotiation tables from 10 to 15, DAAIR will increase the number of negotiating teams from 6 to 8.

Experience shows that formal negotiations tend to proceed more quickly where there is sufficient common ground between the parties before agreeing to enter into formal negotiations. This means that the GNWT needs to have the ability to represent its interests as an independent party during exploratory discussions. Focusing on the formative stages of negotiations has implications for departmental resource allocations. In addition to requiring trained negotiators to attend exploratory discussions, the approach also impacts implementation, policy and communications by way of creating a need to prepare tailor-made communications packages which articulate the GNWT's fundamental interests and assumptions around financing, implementation and the GNWT's role in a post self-government environment.

Negotiating tables are structured to include several tri-partite working groups. These working groups work on specific activities directly in support of negotiations and the completion of final agreements. As an example, a trilateral communications working group exists, or will exist, for each of the 15 negotiating tables. These groups support negotiations through the creation of joint information material, coordinating trilateral information sessions, and advising the parties how best to communicate information about negotiations to the affected or interested parties. DAAIR will increase its communications support in order to ensure that GNWT communications interests are met for all negotiating tables.

The introduction of 5 new tables, representing a 50% increase to the number of negotiating tables, has a ripple effect on the department's corporate support functions. The additional human and financial resources resulting from this growth significantly impact the work required to effectively manage the department's resources, both administrative and financial. DAAIR will establish a balanced level of corporate resources to ensure that accurate and timely information is available for strategic management decisions and that the negotiating teams are adequately supported.

DAAIR will develop the required negotiating mandates where no mandates currently exist. Community based land claim negotiations and a consistent approach to trans-boundary negotiations are areas that need immediate consideration.

Reinstating Special Events Funding
DAAIR will re-establish funding to help offset the costs of special events such as annual general assemblies, special assemblies and other special events including community celebrations of National Aboriginal Day. Up to $5,000 per application will be available to support Aboriginal governments and organizations to hold annual assemblies and/or other special events throughout the year. The program will also provide up to $1,000 per application to support community based Aboriginal organizations to celebrate National Aboriginal Day.

Implementing the Consultation Framework

DAAIR will be undertaking work to update the Consultation Resources Guide to reflect developments in case law around consultation and will be developing guidelines and training supports for use by all GNWT departments. The completion of these elements is necessary before the full level of consultation support and advice can be made available to departments.

Planned Activities – 2010/11 and 2011/12

Continue Work to Finalize and Implement Land, Resources and Self-government Agreements

Comprehensive Mandate Review
DAAIR will undertake a comprehensive review of all GNWT negotiating mandates (114 in total) to ensure these mandates accurately reflect the interests of the GNWT and to create new mandates where gaps exist.

Implementing the Consultation Framework

DAAIR will undertake the full implementation of the Consultation Framework during this period and a Consultation Advisor position will be established within DAAIR to become a fulltime resource to departments.

INFRASTRUCTURE INVESTMENTS

Activity to Date

The department does not have any current infrastructure investment activity in progress.

Planned Activities - 2009/10

The department does not have any infrastructure investment activities planned for the fiscal period.

Planned Activities – 2010/11 and 2011/12

The department does not anticipate any infrastructure investments during future years of the 16th Assembly.

LEGISLATIVE INITIATIVES

Activity to Date

The department did not have any legislative initiatives during 2008/09.

Planned Activities - 2009/10

As the Dél̨ne Self-government Agreement, the Implementation Plan and the Financial Agreements near the completion and ratification stage, DAAIR will commence the development of the required legislation to confirm the validity of the Dél̨ne Self-government Agreement.

Planned Activities – 2010/11 and 2011/12

Finalization of the legislation required to confirm the validity of the Dél̨ne Self-government Agreement prior to the completion of the 16th Assembly.

HUMAN RESOURCE OVERVIEW

Overall Human Resource Statistics

All Employees

	2008	%	2007	%	2006	%
Total	48	100	42	100	36	100
Indigenous Employees	23	48	19	45	18	50
Aboriginal	13	27	13	31	10	28
Non-Aboriginal	10	21	6	14	8	22
Non-Indigenous Employees	25	52	23	55	18	50

Note: Information as of March 31 each year.

Senior Management Employees

	2008	%	2007	%	2006	%
Total	7	100	7	100	9	100
Indigenous Employees	3	43	3	43	6	67
Aboriginal	1	14	1	14	1	11
Non-Aboriginal	2	29	2	29	5	56
Non-Indigenous Employees	4	57	4	57	3	33
Male	5	71	5	71	6	67
Female	2	29	2	29	3	33

Note: Information as of March 31 each year.

Non-Traditional Occupations

	2008	%	2007	%	2006	%
Total	0	0	0	0	0	0
Female	0	0	0	0	0	0
Male	0	0	0	0	0	0

Note: Information as of March 31 each year.

Employees with Disabilities

	2008	%	2007	%	2006	%
Total	0	0	0	0	0	0
Employees with disabilities	0	0	0	0	0	0
Other	0	0	0	0	0	0

Note: Information as of March 31 each year.

Position Reconciliation

This information differs from the employee information on the preceding page. Employee information reflects actual employees on March 31 of each year, and the information presented below reflects position expenditures approved through the budget process for each fiscal year.

Active Positions

Summary:

	2008-09 Main Estimates	Change	2009-10 Business Plan
Total	32	7	39
Indeterminate full-time	32	7	39
Indeterminate part-time	0	0	0
Seasonal	0	0	0

Adjustments During the Year:

Position	Community	Region	Added/ Deleted	Explanation
Chief Negotiator	Yellowknife	Headquarters	Added	2009-10 Strategic Initiative: Developing GNWT Negotiating Capacity
Chief Negotiator	Yellowknife	Headquarters	Added	2009-10 Strategic Initiative: Developing GNWT Negotiating Capacity
Assistant Negotiator	Yellowknife	Headquarters	Added	2009-10 Strategic Initiative: Developing GNWT Negotiating Capacity
Negotiations Communications Coordinator	Yellowknife	Headquarters	Added	2009-10 Strategic Initiative: Developing GNWT Negotiating Capacity
Negotiations Researcher / Administrative Assistant	Yellowknife	Headquarters	Added	2009-10 Strategic Initiative: Developing GNWT Negotiating Capacity
Financial Analyst	Yellowknife	Headquarters	Added	2009-10 Strategic Initiative: Developing GNWT Negotiating Capacity
Assistant Negotiator	Yellowknife	Headquarters	Added	2009-10 Forced Growth: Negotiating a community based land, resources and self-government agreement with the Acho Dene Koe First Nation

Other Positions

Summary:

	2008-09 Main Estimates	Change	2009-10 Business Plan
Total	4 **(Note 1)**	0	4
Indeterminate full-time	4	0	4
Indeterminate part-time	0	0	0
Seasonal	0	0	0

Adjustments During the Year:

Note 1:

All 4 positions are federally funded positions that provide the overall coordination of GNWT departmental implementation activities and obligations.

Other Human Resource Information

One of the stated priorities of the Legislative Assembly is to "improve human resource management within the GNWT through training, career planning, and encouraging innovation by employees." To address this priority, the Department of Human Resources is leading the development of a Corporate Human Resource Strategy for the Northwest Territories Public Service. The completion of this overall strategy will provide a framework for the development of departmental human resource plans and initiatives, including the development of succession plans and affirmative action plans. This work will be undertaken during the 2009-2010 fiscal year and will ensure a consistent and coordinated approach across government, providing equitable opportunities for all staff.

Human Resource Activities

DAAIR human resource activities during the year include:

Transfer Assignments (current)		Interns (current)	
Indigenous Employees	4	Indigenous Employees	0
Aboriginal	2	Aboriginal	0
Non-Aboriginal	2	Non-Aboriginal	0
Non-Indigenous Employees	3	Non-Indigenous Employees	0

Summer Students (2008/09)	
Indigenous Employees	1
Aboriginal	0
Non-Aboriginal	1
Non-Indigenous Employees	0

Activities Associated with Staff Training & Development

In advance of an overall Corporate Human Resource Strategy being developed for the GNWT in 2009-2010, DAAIR has utilized a number of developmental and recruitment strategies for meeting its succession and affirmative action planning objectives.

DAAIR has adopted an approach of hiring trainees on a one-year developmental basis to fill vacant Assistant Negotiator positions. This initiative has proven to be highly effective as a means for not only attracting potential candidates into these difficult to fill positions, but also as a succession planning tool in developing employees internally to take on more senior roles within the department. Over the past 2 years, 5 trainees, consisting of 3 indigenous Aboriginal persons, 1 indigenous non-Aboriginal person and 1 non-priority person, have successfully completed their training objectives and have been appointed into indeterminate positions.

DAAIR considers internal transfer assignment opportunities as a means for filling vacant senior level positions within the department on a short term basis. This approach provides existing employees with the valuable experience needed to compete for these positions on an indeterminate basis. Within the past 12 months, 3 employees, consisting of 2 indigenous Aboriginal persons and 1 non-indigenous person have been provided 1 year transfer assignments to fill 2 vacant Chief Negotiator positions and 1 Implementation Negotiator position.

To assist employees in meeting their career development goals, DAAIR has supported 4 employees with education leave over the past 2 years. These employees consisted of 3 indigenous Aboriginal persons and one indigenous non-Aboriginal person. Three of these employees have recently completed their educational programs, with 2 securing more senior level positions in their field of study within the GNWT and 1 leaving the GNWT to pursue other opportunities.

DAAIR provides employees with training and professional development opportunities. Most notable are:

- 10 employees are currently enrolled in a conflict resolution certificate program
- 3 employees are currently enrolled in a senior management leadership development program
- 2 employees are currently enrolled in an emerging manager leadership development program

INFORMATION SYSTEMS & MANAGEMENT OVERVIEW

Overview

The Technology Services Centre provides Information Technology support to DAAIR. The department does not have a separate IM/IS plan or strategy. The IM/IS infrastructure currently in place fulfills the needs of the department.

Planned Activities - 2009-10

The department has no major IM/IS initiatives planned for the fiscal period.

Planned Activities – 2010/11 and 2011/12

The department does not anticipate any IM/IS initiatives during the future years of the 16th Assembly.